IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3261 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UNION OF INDIA

Versus

A A PARMAR

Appearance:

MS PJ DAVAWALA for Petitioners

MR SHALIN N MEHTA for Respondent No. 1,2, 3, 4, 5, 6, 7

CORAM : MR.JUSTICE B.C.PATEL
and
MR.JUSTICE P.B.MAJMUDAR

Date of decision: 22/06/2000

ORAL JUDGEMENT [Per : B.C. PATEL, J.]

#. Rule. Mr. Shalin N. Mehta waives service of rule on behalf of the respondents.

#. Union of India being aggrieved by the order made by the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad in O.A. No. 579/98 on 29.10.99 has preferred this petition. The only short question before us is whether the benefit of the circular is required to be given as directed by the Tribunal as per the circular dated 17.5.2000. A consensus is prevailing amongst the parties that the direction given by the Tribunal in the concluding para is not in accordance with the circular dated 17.5.2000. The pay fixation is in two parts, namely (i) pay fixation first in the TBOP in the pay scale of Rs. 1400 = 2300 with effect from 26.6.93 and (ii) pay fixation in the BCR Scheme in the pay scale of Rs. 1600 = 2600 after taking into account the pay already fixed in the TBOP scale also with effect from 26.6.93. As a matter of fact, BCR Scheme would be made applicable only after completion of 26 years of service. Thus, as and when the applicants before the Tribunal complete 26 years of service, they shall be given that benefit and not from 26.6.93. So far as Annexure : A is concerned, the Tribunal has held that paras 1 & 2 of the Annexure : A are set aside. As a matter of fact, the entire Annexure : A is required to be set aside because the Union of India has issued the circular dated 17.5.2000 with regard to the scheme which is in supersession of previous orders/instructions dated 8.2.96, 5.8.97 and 1.8.98. In view of this, order passed by the Tribunal stands modified to the aforesaid extent. The petition stands disposed off accordingly. Rule made absolute to the aforesaid extent.

[B.C. PATEL, J.] [P.B.MAJMUDAR, J.]

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